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WORLD CONFERENCE ON HUMAN RIGHTS
Preparatory Committee
Fourth session
Geneva, 19-30 April 1993
(Agenda item 5)

STATUS OF PREPARATION OF PUBLICATIONS, STUDIES AND DOCUMENTS FOR THE WORLD CONFERENCE

Note by the secretariat

Addendum

Contribution submitted by the Committee on the Elimination of Discrimination against Women

The attention of the Preparatory Committee is drawn to the attached contribution from the Committee on the Elimination of Discrimination against Women (CEDAW). The Chairwoman of that Committee has, in the following letter, invited the attention of the Preparatory Committee to the discussions of, and the documents adopted by CEDAW during its twelfth session, held at Vienna from 18 January to 5 February 1993:

"In its suggestion No. 4, CEDAW recognizes the efforts made by the United Nations to promote respect for the individual rights and fundamental freedoms of women but at the same time notes that, notwithstanding those efforts, women continue to be subjected to discrimination in all countries of the world.

The Committee recommends to the Conference that all possible efforts should be made to ensure the proclamation at the Vienna Conference of the principle of the indivisibility and interdependence of human rights, bearing in mind that that principle is the very essence of the Convention on the Elimination of All Forms of Discrimination against Women (General Assembly resolution 34/180).

In addition, CEDAW requests that the World Conference should place the Convention on the same footing as other human rights conventions.

CEDAW further recommends that, in the general discussion on the problem of reservations to human rights instruments, special attention should be paid to the Convention on the Elimination of All Forms of Discrimination against Women, the international human rights treaty to which there is the largest number of reservations.

With respect to the suggestion made in resolution 1992/3 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, CEDAW is of the view that during the World Conference on Human Rights the States parties should raise the question of the validity and legal effect of reservations to the Convention in the context of reservations to other human rights treaties.

CEDAW agrees that a study should be made on the feasibility of drafting optional protocols to the Convention.

In the spirit of its recommendation 19 on violence against women, CEDAW recommends that the Preparatory Committee should consider including among the guidelines for the Conference one to the effect that all special rapporteurs should take into account in their work gender-based discrimination and the various forms of violence against women.

I would be grateful if the suggestions made by CEDAW for the World Conference on Human Rights could be brought to the attention of the Preparatory Committee and followed up by the appropriate procedure".

PART I

Suggestion No. 4

World Conference on Human Rights (1993)

The Committee on the Elimination of Discrimination against Women

Emphasizing the fact that the Charter of the United Nations includes among its purposes and principles international cooperation in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to sex, and the fact that women are entitled to the full protection of the rights enshrined in the Universal Declaration of Human Rights (General Assembly resolution 217 A (III), annex), the International Covenants on Economic, Social and Cultural Rights and on Civil and Political Rights (General Assembly resolution 2200 A (XXI), annex), the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (General Assembly resolution 39/46, annex), the International Convention on the Elimination of All Forms of Racial Discrimination (General Assembly resolution 2106 A (XX), annex), the Convention on the Rights of the Child (General Assembly resolution 44/25, annex) and other international and regional human rights instruments, in addition to the specific guarantees set forth in the Convention on the Elimination of All Forms of Discrimination against Women (General Assembly resolution 34/180, annex),

Affirming the importance of the efforts undertaken by the United Nations to promote respect for women's human rights and fundamental freedoms,

Recognizing the contribution of the Commission on the Status of Women to the protection of women's human rights and the elimination of discrimination against women,

Concerned that women in all regions continue to be discriminated against in the recognition, exercise and enjoyment of their human rights in public and private life and are subjected to violence,

Requesting that the above-mentioned and other grave violations of women's human rights be addressed with even greater effectiveness by the United Nations programme for the promotion and protection of human rights,

Having reviewed the progress made in the field of human rights since the adoption of the Universal Declaration on Human Rights, and having considered the challenges to the full realization of all human rights of women and men,

1. Recommends to the World Conference on Human Rights that efforts should be made to give effect to the principle recognized in the Proclamation of Tehran, proclaimed at the International Conference on Human Rights in 1968, that human rights are interrelated, interdependent and indivisible, 1/ an

interrelationship that is also reflected in the Convention on the Elimination of All Forms of Discrimination against Women (General Assembly resolution 34/180, annex); and that therefore:

(a) Gender-specific information and analysis should be fully integrated into the implementation of all human rights instruments;

(b) Equal attention should be given to civil, political, economic, social and cultural rights;

(c) Respect should be given to the principle that the promotion and protection of one category of rights should not exempt or excuse States from the promotion and protection of another, nor should religious or other extremism be allowed to deny the human rights of women;

2. Also recommends that efforts should be made to encourage States that have not yet done so to ratify or accede to the Convention on the Elimination of All Forms of Discrimination against Women;

3. Recommends that States parties to the Convention should undertake the necessary reform of their national laws to place them in conformity with their obligations under the Convention;

4. Also recommends that, with regard to the large number and broad scope of the reservations made to the Convention, some of which would appear to give rise to questions concerning their compatibility with the object and purpose of the Convention:

(a) States parties that have entered reservations to the Convention should review their consistency with those entered to all human rights conventions;

(b) States parties should continually review the need for and desirability of their reservations to the Convention with a view to withdrawing them;

(c) States considering ratification of or accession to the Convention should keep the number and scope of reservations to a minimum and should make any reservations as specific as possible;

(d) States parties should give full consideration to lodging objections to reservations entered by States whenever such action is appropriate;

5. Also recommends that States parties should nominate candidates for human rights treaty bodies with a view to achieving a better balance of men and women in all of them;

6. Further recommends that, with a view to placing the Convention on the Elimination of All Forms of Discrimination against Women on the same footing as other human rights conventions:

(a) A study should be prepared on the feasibility of drafting optional protocols;

(b) Steps should be taken to amend the Convention to provide adequate time for meetings by eliminating the limitation set out in article 20;

(c) The servicing of the Committee on the Elimination of Discrimination against Women should be provided by both the Centre for Human Rights and the Division for the Advancement of Women of the United Nations Secretariat, and that the meeting places of the Committee should be adjusted accordingly;

7. Recommends further that, having regard to the Committee's confirmation, in its general recommendation No. 19, on violence against women, 2/ that the Convention's definition of discrimination includes violence:

(a) Measures should be elaborated to enhance international protection against gender-specific violence;

(b) All special rapporteurs should take gender-based discrimination and violence against women into account in their work;

(c) States should be urged to take concrete measures to prevent and respond to violence against women in public and private life;

8. Also recommends that, in order to ensure that concern for women's human rights is fully integrated into the human rights regime, including the work of all treaty bodies, thematic and country rapporteurs and working groups, and experts appointed through the advisory services programme in the areas that fall within their mandates:

(a) Training and advisory services at the national level should include gender-analysis and reporting;

(b) Periodic reviews should be undertaken of the effectiveness of the United Nations human rights machinery in addressing violations of women's human rights;

9. Further recommends that the organizations of the United Nations system should:

(a) Take measures to ensure effective coordination between the United Nations system and international and regional human rights bodies, for review and periodic evaluation of the effectiveness of such measures;

(b) Ensure the provision of adequate financial and human resources for these purposes;

(c) Ensure that international development and financing institutions include, in assessing countries' development efforts, the criterion of women's ability to exercise the rights guaranteed by the Convention;

(d) Recognize the need to increase the participation of NGOs with expertise on the human rights and development issues concerning women in all United Nations activities relating to human rights, including the work of the specialized agencies, where appropriate;

10. Recommends further that the Secretary-General should be requested:

(a) To implement the established goals of a 35 per cent participation rate of women in the Professional staff of the Secretariat and a 25 per cent participation rate of women at the D-1 level and above by 1995;

(b) To take steps to ensure adequate financial and human resources for the work of the Committee on the Elimination of Discrimination against Women;

(c) To provide training in gender issues, including gender-analysis, for personnel concerned with human rights in the United Nations and the United Nations system;

11. Reaffirms that the denial of political, economic, social and cultural rights and the negative effects of structural adjustment programmes in many countries have had an adverse impact on women, which is even further aggravated by the lack of a gender dimension in these programmes and continuance of existing gender discrimination in public and family life, and therefore recommends that States should ensure:

(a) The full realization of political, economic, social and cultural rights;

(b) Integration of women on an equal basis into the development process, including planning, decision-making and implementation;

(c) A reduction of the adverse effects of structural adjustment programmes on the exercise of women's human rights and their ability to secure nutrition, housing, and health care and to generate income;

12. Recommends that States should encourage the development of policies in order to ensure that measures be taken:

(a) To protect women as a vulnerable group in situations of civil strife;

(b) To prevent and respond to abuses against women in situations of international or non-international armed conflict;

(c) To ensure that women participate in the process of mediation and settlement of such conflicts

PART II

ACTION TAKEN BY THE COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST
WOMEN IN RESPONSE TO RESOLUTION 1992/3 OF THE SUB-COMMISSION ON PREVENTION
OF DISCRIMINATION AND PROTECTION OF MINORITIES

1. The Committee welcomed the suggestion of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, contained in its resolution 1992/3 entitled "Contemporary forms of slavery", requesting the Secretary-General "to seek the views of the Committee on the Elimination of Discrimination against Women and the Commission on the Status of Women on the desirability of obtaining an advisory opinion on the validity and legal effect of reservations to the Convention on the Elimination of All Forms of Discrimination against Women" (see E/CN.4/1993, chap. II, sect. A).

2. The Committee recalled that it had raised the issue of reservations to the Convention on the Elimination of All Forms of Discrimination against Women at its previous sessions and that, at its eleventh session, it had recommended in its general recommendation 20, 2/ inter alia, that, in connection with preparations for the World Conference on Human Rights in 1993, States parties should raise the question of the validity and the legal effect of reservations to the Convention in the context of reservations to other human rights treaties. It had also been recommended that States parties should reconsider such reservations with a view to strengthening the implementation of all human rights treaties. The Committee therefore considered that it must be made clear that its particular concern was to have an opinion that might assist Governments to reconsider their reservations with a view to withdrawing them.

3. The Committee therefore decided that it should support steps taken in common with other human rights treaty bodies to seek an advisory opinion from the International Court of Justice that would clarify the issue of reservations to the human rights treaties and thereby assist States parties in their ratification and implementation of those international instruments. Such an opinion would also help the Committee in its task of considering the progress made in the implementation of the Convention.

Notes

1/ Final Act of the International Conference on Human Rights, Tehran, 22 April to 13 May 1968 (United Nations publication, Sales No. E.68.XIV.2), p.3.

2/ See Official Records of the General Assembly, Forty-seventh Session, Supplement No. 38 (A/47/38), sect. I.